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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060348
Party	Plaintiff BuzzBallz, L.L.C.
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Submission	Opposition/Response to Motion
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Date	05/08/2015
Attachments	BuzzBallz's Response to BuzzBox's Motion to Vacate.pdf(13444 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 4,618,174

For the mark “**BUZZBOX**”

Registered on October 7, 2014

BuzzBallz, L.L.C.,

Petitioner,

v.

Cancellation No. 92060348

BuzzBox Beverages, Inc.,

Registrant.

To the Commissioner for Trademarks:

**Respondent BuzzBallz, L.L.C.’s Response to Movant BuzzBox Beverages, Inc.’s
Notice of and Motion to Vacate Entry of Default Judgment**

COMES NOW, Respondent BuzzBallz, L.L.C. (“Respondent”), and files this Response to Movant BuzzBox Beverages, Inc.’s Notice of and Motion to Vacate Entry of Default Judgment and, in support thereof, would show the Board the following:

I. FACTUAL BACKGROUND

1. On or about November 10, 2014, Respondent filed its Petition to Cancel against Movant BuzzBox Beverages, Inc. (“Movant”) and served notice of same on Movant by and through its registered agent, Mr. Roman M. Whittaker, and previous attorney of record who

prosecuted the BUZZBOX text trademark made subject of this cancellation proceeding, and its correspondent Mr. Shaun M. Murphy, who is now the current attorney of record for Movant.¹

2. On or about January 5, 2015, the Board issued its Notice of Default and Show Cause Order.

3. On or about February 17, 2015, after Movant failed to timely respond to the Notice of Default and Show Cause Order, the Board issued its Order of Default against Movant and granted Respondent's Petition to Cancel.

4. On or about March 23, 2015, Counsel for Respondent and Movant conferred regarding the possibility of the parties stipulating to set aside the default judgment rendered against Movants or, alternatively, Movant filing a motion to set aside the default judgment. At the time of that conference, Respondent was not provided a copy of the Motion and was, accordingly, opposed to the Motion.

5. On or about April 13, 2015, Movant filed its Notice of and Motion to Vacate Entry of Default Judgment (the "Motion") and forwarded same to Respondent via email on or about April 14, 2015.

II. RESPONSE

6. Prior to April 14, 2015, Respondent was not provided with an opportunity to thoroughly review the merits of the Motion and was therefore unable to assess the arguments and case law advanced by Movant's therein prior to the filing of the Motion.

7. Having now had the opportunity to consider Movant's Motion in full, although Respondent denies the legal assertions and factual allegations in the Motion and maintains that

¹ Although the Certificate of Service on Respondent's Petition to Cancel stated that Mr. Whittaker was Movant's attorney of record, Respondent would respectfully note that Mr. Whittaker is also Movant's Registered Agent and his address is that of Movant's registered address with the USPTO.

Movant's are not legally or equitably entitled to the relief sought therein, Respondent hereby withdraws its opposition to the Motion in the interest of judicial economy, mutual cooperation, and avoiding increased costs and expense to the parties.

DATED: May 8, 2015

Respectfully submitted,
WILSON LEGAL GROUP P.C.

By: /s/John T. Wilson
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**ATTORNEYS FOR RESPONDENT
BUZZBALLZ, L.L.C.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing *Response to Movant BuzzBox Beverages, Inc.'s Notice of and Motion to Vacate Entry of Default Judgment* has been served on Movant BuzzBox Beverages, Inc.'s attorney of record, Mr. Shaun M. Murphy, by mailing said copy on May 8, 2015, via First Class Mail, postage prepaid to:

Mr. Shaun M. Murphy
Slovak, Baron, Empey, Murphy & Pinkney L.L.P.
1800 East Tahquitz Canyon Way
Palm Springs, California 92270

/s/John T. Wilson
John T. Wilson